

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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**IAN WESLEY BURR BEAMON,**

**Plaintiff,**

**v.**

**7:16-CV-1274 (BKS/ATB)**

**KRISTYNA S. MILLS, *et al.*,**

**Defendants.**

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**Appearances:**

**Ian Wesley Burr Beamon**  
Watertown, NY  
Plaintiff, *pro se*

**Hon. Brenda K. Sannes, U. S. District Judge**

**MEMORANDUM-DECISION AND ORDER**

On October 25, 2016, Plaintiff Ian Wesley Burr Beamon commenced this *pro se* action for “breach of fiduciary duty” against Kristyna Mills and the Jefferson County District Attorney’s Office. (Dkt. No. 1). This matter was referred to United States Magistrate Judge Andrew T. Baxter who, on October 28, 2016, issued an Order and Report-Recommendation recommending that the Complaint be dismissed in its entirety as frivolous and for failure to state a claim. (Dkt. No. 6, p. 7). Plaintiff filed an Amended Complaint on November 14, 2016. (Dkt. No. 7). Accordingly, on December 9, 2016, this Court rejected the Report-Recommendation as moot in light of the Amended Complaint, and referred the Amended Complaint to Magistrate Judge Baxter for his review. (Dkt. No. 9).

On December 13, 2016, United States Magistrate Andrew T. Baxter issued an Order and Report-Recommendation recommending that the Amended Complaint be dismissed in its entirety as frivolous and for failure to state a claim. (Dkt. No. 11, p. 12). Magistrate Judge Baxter notified Plaintiff that he had fourteen days to file written objections to the report under 28 U.S.C. 636(b)(1), and that the failure to object to the Report within fourteen days would preclude appellate review. (Dkt. No. 11, p. 13). On December 27, 2016, Plaintiff filed a document entitled “Notice and Response to Order and Recommendation,” which was docketed as an objection to the Report-Recommendation. (Dkt. No. 14). Magistrate Judge Baxter’s December 13, 2016 Report-Recommendation is currently pending before the Court.

This court reviews *de novo* those portions of the Magistrate Judge’s findings and recommendations that have been properly preserved with a specific objection. *Petersen v. Astrue*, 2 F. Supp. 3d 223, 228-29 (N.D.N.Y. 2012); 28 U.S.C. § 636(b)(1)(C). “A proper objection is one that identifies the specific portions of the [Report and Recommendation] that the objector asserts are erroneous and provides a basis for this assertion.” *Kruger v. Virgin Atlantic Airways, Ltd.*, 976 F. Supp. 2d 290, 296 (E.D.N.Y. 2013) (citation omitted). Properly raised objections must be “specific and clearly aimed at particular findings” in the Report. *Molefe v. KLM Royal Dutch Airlines*, 602 F. Supp. 2d 485, 487 (S.D.N.Y. 2009). Findings and recommendations as to which there was no properly preserved objection are reviewed for clear error. *Id.* “To the extent . . . that the party makes only conclusory or general arguments . . . the Court will review the Report strictly for clear error.” *DiPilato v. 7-Eleven, Inc.*, 662 F Supp. 2d 333, 339 (S.D.N.Y. 2009).

In this case, the Court has been unable to decipher any specific objection to any portion

of the Report-Recommendation in Plaintiff's Response. Plaintiff's few passing assertions that the Magistrate Judge's proceeding was "counter to equity," (Dkt No. 14, pp. 4, 1<sup>94</sup>), are insufficient to constitute proper objections and are, in any event, frivolous. The Court has, therefore, reviewed the Report-Recommendation for clear error and found none.

**WHEREFORE**, for the foregoing reasons, it is hereby


**ORDERED** that the Report-Recommendation (Dkt. No. 11) is **ADOPTED** in all respects; and it is further

**ORDERED** that Plaintiff's amended complaint (Dkt. No. 7) is **DISMISSED** with prejudice in its entirety as frivolous and for failure to state a claim, and it is further

**ORDERED** that the Clerk of the Court shall serve a copy of this Memorandum-Dcision and Order in accordance with the Local Rules of the Northern District of New York.

**IT IS SO ORDERED.**

Dated: March 30, 2017

  
Brenda K. Sannes  
U.S. District Judge